

Remarks:

Reconsideration of the application, is requested.

Claims 1 - 49 remain in the application. Claim 32 has been amended.

In item 2 on page 2 of the above-identified Office action, claim 32 has been rejected as being indefinite under 35 U.S.C. § 112. More specifically, the Examiner has stated that "It is not clear in the claim if the 'elements' are shaped differently or if the originating material have a particular configuration that will provide the particular geometric shapes."

The applicants wish to draw attention to the language in claim 32, specifically "elements having different geometric shapes." It is believed that this language clearly indicates that the elements themselves have different shapes. It is further believed that this premise is supported by line 11 on page 7 and line 18 on page 13 of the Specification of the instant application.

It is accordingly believed that the specification and claim 32 meet the requirements of 35 U.S.C. § 112.

In item 3 on page 2 of the Office action, claims 32 - 36 have been rejected as being fully anticipated by Tesch (U.S. Patent No. 4,292,367) under 35 U.S.C. § 102.

The rejection has been noted and claim 32 has been amended in an effort to even more clearly define the invention of the instant application. Support for the change is found in the paragraph spanning lines 22 - 26 on page 7 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed would be helpful.

Amended claim 32 calls for, inter alia:

a floor covering, comprising:

a base layer formed of a non-woven; and

a visible, substantially non-repeating surface layer formed by a multiplicity of **finite-length** elements having different geometric shapes.

The Tesch reference discloses, inter alia:

a textile material, comprising:

a carrier; and

an outer layer composed of individual **endless** threads, mounted on said carrier.

According to claim 32 of the application for the instant invention, the elements are of finite length. The finite-length elements have an advantage over the "endless" threads disclosed in the Tesch reference. Divided, finite-length elements are [easier to manipulate and easier to equalize in an application stream so that it is much easier to form a substantially non-repeating visible surface layer from these divided elements than from endless threads.

To generate a substantially similar non-repeating visible surface layer from endless threads, as disclosed in the Tesch reference, it would be necessary to perform very complicated movements of an endless thread feeding device relative to the carrier layer.

Clearly, the Tesch reference does not show a surface layer of a floor covering comprised of finite-length elements as recited in claim 1 of the instant application.

Claim 32 is, therefore, believed to be patentable over the art and since claims 33 - 36 are ultimately dependent on claim 32, they are believed to be patentable as well.

In item 5 on page 3 of the Office action, claims 37 - 41 have been rejected as being unpatentable over Tesch under 35 U.S.C. § 103. Specifically, the Examiner has stated that only the size and shape of the yarns and elements have been changed.

The rejection has been noted and claim 32, which claim 37 is dependent upon, has been amended in an effort to even more clearly define the invention of the instant application. Support for the change is found in the paragraph spanning lines 22 - 26 on page 7 of the specification. As noted above, the Tesch reference discloses "endless" threads. It is believed that the presence of "finite-length" elements, as opposed to "endless" threads, presents a substantial structural advantage over the reference, as opposed to merely a dimensional difference, as stated in the Examiner's rejection. The finite-length elements are easier to manipulate and equalize in an application stream in an effort to form a substantially non-repeating visible surface layer.

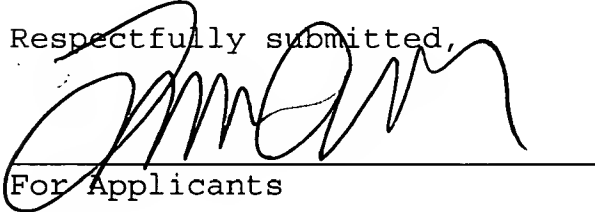
Claim 32 is, therefore, believed to be patentable over the art and since claims 37 - 41 are ultimately dependent on claim 32, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 - 49 are solicited.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.]

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg, No. 12-1099.

Respectfully submitted,


For Applicants

SDS

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Version with markings to show changes made.

In the Claims:

Claim 32 (amended). A floor covering, comprising:

a base layer formed of a non-woven; and

a visible, substantially non-repeating surface layer formed by a multiplicity of finite-length elements having different geometric shapes, said elements formed of at least one material selected from the group consisting of yarns, threads, yarn precursors, carded slivers, carded yarns, lifting yarns and needle-felt-like elements, and said elements applied and needled at least to said base layer.